

Chief Judge Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	
)	NO. CR06-198RSL
Plaintiff,)	
)	ORDER CONTINUING TRIAL
v.)	
)	
DANIEL SILVA-CHAVEZ, et al.)	
)	
Defendants.)	
)	

On June 23, 2006, defendant Gabriel Silva-Chavez filed a Motion to Continue the Trial Date in the above-captioned matter (Doc. 134). The government agreed that a continuance is appropriate, and filed a pleading suggesting a trial date of March 12, 2007 (Doc. 197). On July 17, 2006, the Court held a Status Conference, with all twenty pending defendants in attendance. With the exception of defendant Pedro Cuellar-Garcia, no defendant objected to a continuance of the trial date. The overwhelming majority of the defendants joined in the motion for continuance, as set forth on the record at the Status Conference. Eleven defendants requested a trial in or about March 2007. Other defendants requested a trial date in October 2006.

For the reasons set forth in Defendant Gabriel Silva-Chavez's Motion to Continue (Doc. 134), the Government's Status Conference Memorandum (Doc. 197), and the additional reasons set forth orally by the Court at the Status Conference,

THE COURT FINDS that this is a complex case involving extensive discovery and allegations of a 25-defendant conspiracy that spanned more than three years. Among other voluminous discovery, the government will produce more than 15,000 wiretapped

1 phone calls over twelve target telephones, over one hundred consensually recorded
2 conversations, hundreds of surveillance photographs and videos, hundreds of
3 photographs documenting the searches of over twenty locations, and hundreds of law
4 enforcement reports. Nearly all of the wiretap and consensual recordings are in Spanish,
5 and will need to be translated by the parties prior to trial.

6 THE COURT FURTHER FINDS that continuing the trial in this case is necessary
7 to allow defense counsel adequate time to review the discovery materials, acquire
8 translations of the recordings, investigate the facts of the case, prepare and litigate pre-
9 trial motions, and effectively prepare for trial. In this regard, the Court notes that within
10 the last two weeks, several defendants have replaced appointed counsel with newly hired
11 private counsel, highlighting the need for these defendants to have additional time to
12 review discovery and prepare for trial.

13 THE COURT FURTHER FINDS, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the
14 ends of justice served by continuing the trial in this case outweigh the interest of the
15 public and of the defendants in a more speedy trial;

16 THE COURT FURTHER FINDS that, with respect to any defendants who object
17 to a trial continuance, or the length of the trial continuance, a continuance of their trials is
18 appropriate pursuant to 18 U.S.C. § 3161(h)(7) (“A reasonable period of delay [is
19 excluded] when the defendant is joined for trial with a codefendant as to whom the time
20 for trial has not run and no motion for severance has been granted.”). See United States
21 v. Messer, 197 F.3d 330, 337 (9th Cir. 1999) (“It is well established that an exclusion
22 from the Speedy Trial clock for one defendant applies to all codefendants.”); United
23 States v. Daychild, 357 F.3d 1082, 1090-91 (9th Cir. 2004) (holding that a delay from a
24 grant of trial continuance to one defendant is also excludible time for a joined
25 codefendant); United States v. Butz, 982 F.2d 1378, 1381 (9th Cir. 1993) (same).

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1 IT IS THEREFORE ORDERED that the trial in this case shall be continued until
2 March 12, 2007, and that the period of time from August 14, 2006, up to and including
3 March 12, 2007, shall be excludable time under 18 U.S.C. § 3161(h)(8)(A); and

4 IT IS FURTHER ORDERED that the deadline for filing pretrial motions shall be
5 November 3, 2006. Responses to all pretrial motions shall be due no later than
6 December 4, 2006. Reply briefs shall be filed no later than December 18, 2006.

7 SO ORDERED this 25th day of July, 2006.

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9 Robert S. Lasnik
10 United States District Judge

11 Presented by:

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13 United States Attorney

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